

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TONY CHRISTOPHER BURGER,

Defendant.

No. 16-20556

District Judge Judith E. Levy
Magistrate Judge R. Steven Whalen

ORDER FINDING DEFENDANT COMPETENT

On January 26, 2017, the parties appeared for a scheduled competency hearing, following the Defendant's previously ordered mental evaluation under 18 U.S.C. § 4241 and the receipt of a written evaluation by Dr. Allyson N. Wood, Psy.D., a forensic psychologist employed at the Federal Medical Center in Lexington, KY. Defendant moved for the opportunity to be examined by a psychologist or psychiatrist of his choice for a "second opinion" on the issue of competency, and possibly for other uses that may be pertinent to this case. The Court granted that motion, and Defendant was evaluated for competency by his own psychologist.

On April 10, 2017, the parties again appeared for a competency hearing, at which time, based on the two evaluations, they stipulated to Defendant's competency to stand trial. Based on that stipulation, as well as my own review of Dr. Wood's report, I am satisfied that the Defendant is not presently suffering from a mental disease or defect that

renders him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Accordingly, Defendant Tony Christopher Burger is adjudged COMPETENT TO STAND TRIAL.

This finding shall not prejudice the Defendant in raising the issue of his insanity as a defense to the offense charged, and shall not be admissible as evidence in a trial for the offense charged. *See* 18 U.S.C. § 4241(f).

The time between the hearing on April 10, 2017 and the date of Defendant's arraignment on the indictment, presently scheduled for April 26, 2017, shall be considered excludable delay under the Speedy Trial Act. *See* 18 U.S.C. § 3161(c)(1).

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: April 11, 2017